

The April 17, 2014 meeting of the Walpole Zoning Board of Appeals was held in the Aurelia M. Newell Senior Center at the Town Hall.

Chairman James M. Stanton called the meeting to order at 7:00 p.m. with the following members present:

James M. Stanton, Chairman
Matthew Zuker, Vice Chairman
Craig Hiltz, Clerk
James DeCelle, Member
Susanne Murphy, Member (Not present)

Mary Jane Coffey, Associate Member
Timothy Foley, Associate Member

Also present:
Ilana Quirk, Town Counsel

7:00 p.m.- Barberrry Homes, LLC - Case #21-13 (Stanton, Zuker, Hiltz, DeCelle, Coffey, Foley)

Mr. Stanton read the public hearing notice for **BARBERRY HOMES, LLC, Case #21-13**, with respect to property located at 272 Moosehill Road, East Walpole and shown on the Assessors Map 36 and Lot Nos. 66, 66-1, 62 in a Residence A Zone.

The application is for:

A Comprehensive Permit under MGL Ch. 40B to allow construction of a 174 unit apartment project containing 25% affordable units on a parcel of land containing 14.33 acres.

The applicant was not present for the hearing.

Mr. Stanton introduced Mr. John Chessia representing Chessia Consulting Services, LLC. The Town of Walpole hired Mr. Chessia to study Barberrry Homes' plans more in-depth.

John Chessia presented his findings. A major issue he found was the retaining wall design. He did not think it would be feasible to construct in the locations proposed without impacts to the wetland buffer or abutting property. Mr. Chessia also noticed that Barberrry's design does not provide shoulders over portions of the roadway. Shoulders provide safety for pedestrians and space for snow storage. Another key concern was the stormwater design. Mr. Chessia stated that the plans were incomplete. The runoff analysis is inconsistent with the plans relative to Building #7. As designed, Building #7 would direct the runoff into the building. The architect's design show pitched roofs. Mr. Chessia felt this is not practical as some of the buildings are large. What

happens when it rains and snows? He further stated that they do not have enough drainage. If they are wrong, water may bypass the drain and not go where they said. Also, Mr. Chessia said the soil evaluation data should be provided. There should be additional data on the permeability testing including the location of tests and justification of the methodology according to DEP requirements should also be provided. The site may be in a critical area based on being tributary to cold water fishery. The applicant should determine if this is the case. In addition, updates to the Operation and Maintenance Plan will be required. How are they going to maintain and manage the site?

The members of the board questioned the traffic studies and also asked about the testing done on the soil. Mr. Chessia reiterated that they provided a permeability test but said that it did not run long enough. He feels that the test is undersized. If the town had a storm, most of the water should go to the wetland, however during a large storm this could cause a problem. Any houses close to the stream could be flooded.

Mr. Stanton then opened the hearing to members of the public for any comments or questions.

A resident from 306 Moosehill Road explained that during a large storm, water already rushes into her yard. Also, her neighbor dug a well and the company only had to go down 6 feet to get water. She thought this bit of information was interesting.

A resident from 505 Washington Street first questioned Mr. Chessia if his request would be that testing should be done again on the soil. She also expressed her frustrations with this whole 40B slipping through the cracks.

Mr. Chessia responded that there are two types of tests. He explained that the board could require when a test was done to have someone from the town witness the test being run. He felt that more information would be better.

Mr. Stanton explained to the resident that the board has not seen many 40B developments. Typically, cases require a hearing to be held within 65 days however 40B hearings only require 30 days.

Ms. Laura Vaites of 12 Johnson Road questioned the inconsistencies and asked if Barberry can build if these issues have not been addressed.

Mr. Chessia pointed out that the next step for Barberry would be to appear before the Conservation Commission. However they many not find the same information. It is all public record.

Mr. Hiltz explained that each board requests comments from the other boards before a hearing is held with an applicant. He further said that they would provide Mr. Chessia's report in their board comments.

Mr. Tom Rosato of 6 Orchard Drive mentioned that he is happy that the town acquired Mr. Chessia, however, he would like to see another traffic study as well. He asked the board if the developer could pay for that.

Mr. Stanton explained that they could not ask the applicant because he or she has not been at any of the meetings. He then deferred to Town Counsel on the matter.

Town Counsel Quirk explained that the board is looking at the application, receiving comments from the public, and reviewing Mr. Chessia's study. Normally, the board would ask for the peer review for the traffic study. The town does not have the money for that yet.

The residents expressed that they feel a traffic study needs to be done. Mr. Paul Peckham of 311 Moosehill Road explained that traffic is backed up from the Walpole Mall to Moosehill Road on a typical morning. Already, the residents are stuck in horrendous traffic. If what Barberry has proposed goes through, then it will be a bottleneck jam every single day.

Mr. Ed Sweeney of Sandra Road questioned if a traffic study was done and they find an impact then what happens? How does the result of the study impact the decision?

Town Counsel Quirk asked if any of the public had anything they would like to bring to the board. It is perfectly fine for you to submit it to the record. Does the public want that opportunity?

Mr. Zuker mentioned that he would like to see a review of the traffic study. He asked Town Counsel if there was a time constraint. Town Counsel Quirk responded that the deadline is July. She informed the residents that they would need to go the Board of Selectmen and her concern is that we would run out of time. She mentioned that there was merit for the town to move forward quickly.

Jennifer Boland of 241 Moosehill Road expressed the desire to bring the number of units down. She explained that it would be difficult to get out of their street if 174 units were built. Ms. Boland asked the Board for the traffic study to be redone after Town Counsel informed the residents that it would not be possible to ask the developer to pay for it and that it would be a peer review. The Board informed her that she would need to go through the Board of Selectman.

Ms. Vaites expressed her anger with the situation and asked if the town has a plan if the worst case scenario goes through.

Mr. Stanton explained that 40B housing in general can be a problem for boards and towns like Walpole. All the Town can do is put conditions on the applicant. Mr. Stanton explained that he shares the residents' concerns. He then read board comments from the Walpole Fire Department, Board of Sewer and Water, Board of Selectmen, Board of Health, Planning Board, Conservation Commission, Walpole Tree Warden and the Town Engineer. Mr. Stanton assured the residents that all of these concerns and recommendations would be incorporated.

Ms. Vaites asked the board not to close this case yet. She explained that the residents needed time to go before the Board of Selectmen and get a traffic study done.

Mr. Hiltz mentioned that we are missing other information from the developer. Unfortunately, the developer chose not to be here. Therefore, we could come up with conditions and place those conditions on the applicant.

Ms. Quirk explained that the board could continue the hearing to next week. Mr. Zuker suggested two weeks. He felt the residents needed that time to get before the Board of Selectmen. Ms. Quirk suggested April 29, 2014 and explained that time is of the essence.

A motion was made by Mr. Stanton, seconded by Mr. Zuker, to continue the hearing to Tuesday, April 29, 2014 at 7:00 p.m. in the Town Hall.

The vote was **4-0-0 in favor** (Stanton, Zuker, Hiltz, DeCelle voting)

A motion was made by Mr. Stanton, seconded by Mr. Zuker, to adjourn the meeting at 9:13 p.m.

The vote was **4-0-0 in favor**. (Stanton, Zuker, Hiltz, DeCelle voting)

Craig W. Hiltz
Clerk

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Minutes were approved on July 16, 2014.